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SUBJECT: NSC ADVISOR ON ELECTIONS, FAKKA OIL WELL DISPUTE,
AND RELATIONS WITH NEIGHBORING COUNTRIES

Classified By: A/DCM Gary A. Grappo, for reasons 1.4 b and d.

¶1. (C) SUMMARY: Iraqi NSC Advisor Dr. Safa al-Sheikh told A/DCM December 29 that the post-election period will be a difficult, challenging period, in terms of formation of the new government and caretaker government performance, which could impact Iraqi security capability and decision-making. He described the Iranian foray at Fakka oil well as a serious miscalculation which had put "Iran's friends" in Iraq in a very difficult position. Regarding relations with neighboring countries, al-Sheikh singled out Saudi Arabia as particularly important for Iraq's future in the region. He noted that the GOI has tried to make "informal contacts" to improve the bilateral relationship but indicated that the efforts had not succeeded. He surmised that there would not be an opportunity to improve relations until after the elections and the formation of a new government. Regarding the maritime boundary with Kuwait, al-Sheikh noted that many Iraqis -- particularly those from Basra -- resented it, especially because of the common view in Iraq that the waterway is vital for Iraq but not used or needed by the Kuwaitis. Al-Sheikh highlighted senior working level contact in the past between the two sides -- involving navy commanders -- over access issues on the Khor Abdullah, describing the meetings as important for helping the two sides sort out their interests and redlines. End SUMMARY.

¶2. (C) Acting Iraqi NSC advisor Dr. Safa al-Sheikh told A/DCM December 29 that the recently passed election law was a landmark event. In his view, especially because of the open list provision, it will encourage higher voter turnout. He described the current Iraqi election process as headed in the right direction, despite the "silly season" soon to become evident with the opening of the campaign period (January 5). Al-Sheikh felt that security incidents will have some impact on elections but will not be decisive.

¶3. (C) Al-Sheikh said that the post-election period will be a difficult, challenging period, both in terms of formation of the new government and the caretaker government's performance, which could impact Iraqi security capability and decision-making.. He underscored that there were now a greater number of competitive political blocs, which will make it more difficult to obtain consensus. Al-Sheikh predicted June as the earliest month for the new GOI to be seated. Taking into account the time required to get new ministers settled in, one could assume a year "of slow progress." New government formation has already begun between various political factions, according to al-Sheikh.

¶4. (C) Al-Sheikh offered several theories about Iranian motivations for what he described as a provocation on the border, while cautioning that he was uncertain about the Iranian government's ultimate motives. Possible explanations included deflecting attention from internal dissent in Iran and "making a statement" about Iran's continuing ability to have influence in Iraq (including playing a disruptive role), in the wake of Iraq's successful second round of oil bids, which did not include Iran. He described the Iranian foray

as a serious miscalculation which had put "Iran's friends" in Iraq in a very difficult position. In his view the current Iraqi course of action -- balanced, deliberate, and non-inflammatory -- was the correct one.

15. (C) Regarding relations with neighboring countries, al-Sheikh singled out Saudi Arabia as particularly important for Iraq's future in the region. He noted that the GOI has Qfor Iraq's future in the region. He noted that the GOI has tried to make "informal contacts" to improve the bilateral relationship but indicated that the efforts had not succeeded. He surmised that there would not be an opportunity to improve relations until after the elections and the formation of a new government. At that time, however, he thought the Saudis would make a move to mend fences, even if Maliki wins the PM job again, since they would view the post-election situation as a firmly established reality they need to come to terms with. Al-Sheikh said he sensed in the Saudi attitude jealousy about Iraq's future regional role, given Saudi competition with Iran for regional influence, and Saudi sensitivities about Sunni-Shia faultlines.

16. (C) Al-Sheikh elaborated at length about challenges posed by the Kuwait-related Chapter VII resolutions. Regarding the maritime boundary, al-Sheikh asserted that the UN Boundary Commission in the early 1990's had divided the Khor Abdullah between the two countries but had given Iraq "the shallow water." which many Iraqi's resented, especially because of the common view in Iraq that the waterway is vital for Iraq but not used or needed by the Kuwaitis. At another point in the conversation, the NSC Advisor underlined that "people in Basra" don't like UNSCR 833 at all, but refused to be drawn out further on whether particular political parties or

ethnosectarian groups (in particular the Shia, largely based in the south) had more pronounced feelings on this issue. Al-Sheikh urged the U.S to offer advice to the GOI on how other countries had resolved such issues. He also expressed concern about the crucial politicizing role that Kuwait's influential and vocal Parliament could play in blocking progress on this and other Kuwait-related resolutions. Kuwait's important relation with the U.S. could also have a moderating impact on the GOK position, al-Sheikh noted. When urged by A/DCM to support GOI re-affirmation of 833, al-Sheikh questioned whether such a statement had any significance, in a legal sense, since the GOI had long since accepted the resolution. A/DCM noted that it was important for a post-Saddam government make that affirmation. Al-Sheikh underscored the claim made to us by other Iraqi officials, including PM Maliki, that this issue will have to await the next Iraqi government.

17. (C) Al-Sheikh highlighted senior working level contact between the two sides -- involving navy commanders -- over access issues on the Khor Abdullah, describing the meetings as important for helping the two sides sort out their interests and redlines. Such "technical level" contact, to solve periodic access problems, indirectly contributed to finding a broader solution, said al-Sheikh, since it helped the two sides broaden their perspectives and see the other's side of the issue. (NOTE: Al-Sheikh did not clarify if such meetings were still being held. END NOTE.) One of the issues the two sides had discussed was the raising of flags. The Kuwaitis "had been tough" on the issue, insisting that Iraqi ships fly the Kuwait flag when in Kuwaiti waters, or, in the face of Iraqi objections, no flag. A/DCM and Al-Sheikh concurred that such change-of-flag procedures were not required by international law and waterway convention. He also noted that a draft UNSCR he had seen mentioned forming a more formal joint commission to examine these sorts of access issues. Al-Sheikh questioned whether UNSCR 833 stated explicitly that any Iraqi vessel has right of access through the deep-water channel of Khor Abdullah waterway (much of which winds through Kuwaiti territorial waters). A/DCM answered in the affirmative.

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